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TAGS: [PHUM](#) [PGOV](#) [PREL](#) [KIRF](#) [KDEM](#) [EG](#)
SUBJECT: EGYPT'S BAHAI: FAVORABLE RULINGS BUT NO
IMPLEMENTATION

REF: A. CAIRO 157
[1](#)B. CAIRO 699

Classified By: Minister-Counselor for Economic and Political Affairs
William R. Stewart for Reason 1.4(d).

1.(C) Summary: On November 11, the Cairo Administrative Court ruled that the GoE is required to issue government identification documents - with a dash in the required religion block - to Hady Al Koushary, a member of Egypt's small Baha'i community. Al Koushary, a 21 year-old university student filed suit after Alexandria University refused in June to permit him to enroll because he did not have a valid national identity card, and was, therefore, unable to obtain a certificate, required by the school, proving his military service obligation had been deferred. The same court similarly ruled in January 2008 that three other Baha'is were also entitled to government identification documents (ref A). To date, despite the GoE's decision not to appeal the January ruling, the January verdict has not been implemented because an appellate court is considering various legal challenges to the decision. In recent meetings with us, representatives of Egypt's Baha'i community, who are generally able to worship freely, stressed the continuing hardships they face as a result of their inability to obtain identification documents. End Summary.

[1](#)2. (SBU) In June 2008, Alexandria University's School of Agriculture refused to allow Al Koushary to enroll for his final year of studies because he was unable to present a certificate evidencing that his military service obligation had been deferred, something required of all male university students. As a Baha'i, Al Koushary does not have a valid national identification card, a requirement for obtaining the deferral document. In August, Al Koushary filed suit in the Cairo Administrative Court, which on November 11, as it did in January 2008, ruled that the GoE is required to issue Baha'is identification documents with a dash in the religion block.

3.(SBU) Despite the favorable ruling, it is not clear when or if Al Koushary will be able to obtain an identification document and the draft deferment certificate. Although the GoE did not appeal the January 2008 ruling requiring it to issue identification documents to the three Baha'i plaintiffs in that case, the ruling has not been implemented. Instead, two lawyers, who often intervene in cases with religious overtones ostensibly on behalf of Islam, filed legal challenges to the implementation of the verdict. In early October, a GoE judicial advisory board issued a non-binding opinion that stated that there was no legal basis for the challenges. The Supreme Administrative Court, the court reviewing the challenges, has to date not followed the advisory board's opinion. In fact, in a November 3 hearing to consider the two challenges, it postponed ruling on the pending challenges but agreed to permit a lawyer with Islamist leanings to file a third challenge. The Supreme

Administrative Court is scheduled to rule on the three challenges on December 15.

4.(C) In recent meetings with us, members of the Baha'i community described their frustration with Egypt's identification document system. Although the Baha'is of Egypt are vague about their demography, they appear to be prosperous business owners and professionals. They have few, if any, complaints about their ability to practice their religion. They report, however, that they suffer real hardship through their inability to obtain identification documents. One example is the difficulty they face in enrolling their children in government schools, which is partly ameliorated by the ability of some Baha'i families to pay private school tuition or educate their children abroad. Others complain of their inability to buy property, and even cars, because they cannot establish legal identities. Males eligible for military service, such as Al Koushary, face additional hardships. Their inability to obtain draft deferments not only causes problems with school enrollment, but also prevents them from obtaining passports, blocking them from traveling abroad. (Note: Other Baha'is, who because of age or gender are not required to provide evidence of deferment or completion of military service, generally appear able to obtain passports. End note.)

5.(C) Comment: The GoE, or at least some elements of it, as evidenced by its decision not to appeal the January 29 ruling and the October opinion of the judicial advisory board, appears to support a pragmatic solution to the Baha'i identification document issue. GoE officials frequently tell us, however, that in cases with religious dimensions they cannot get too far in front of societal elements pushing for

greater Islamic influence. We will continue to closely monitor these cases and remind our GoE interlocutors of the importance of non-discrimination on the basis of religion and its obligation to extend full citizenship rights to all Egyptians.
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